

HOUSE GOVERNMENT AND URBAN AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 314

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

AN ACT

RELATING TO LICENSURE; CHANGING THE SCOPE OF PRACTICE FOR
COUNSELING AND THERAPY; AMENDING LICENSURE REQUIREMENTS;
REVISING DEFINITIONS; PROVIDING FOR BOARD IMMUNITY AND
CONFIDENTIALITY; AMENDING, REPEALING AND ENACTING CERTAIN
SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 61-9A-3 NMSA 1978 (being Laws 1993,
Chapter 49, Section 3, as amended) is amended to read:

"61-9A-3. DEFINITIONS.--As used in the Counseling and
Therapy Practice Act:

A. "accredited institution" means a university or
college accredited by ~~[a regional]~~ an accrediting agency of
institutions of higher education;

~~[B. "alcohol abuse counselor" means a person who~~

1 ~~engages in the practice of alcohol abuse counseling;~~

2 ~~C. "alcohol and drug abuse counselor" means a~~
3 ~~person who engages in the practice of alcohol and drug abuse~~
4 ~~counseling;~~

5 ~~D.]~~ B. "appraisal" means selecting, administering,
6 scoring and interpreting instruments designed to assess [~~an~~
7 ~~individual's~~] a person's aptitudes, attitudes, abilities,
8 achievements, interests, personal characteristics and current
9 emotional or mental state by appropriately educated, trained
10 and experienced clinicians and the use of nonstandardized
11 methods and techniques for understanding human behavior in
12 relation to coping with, adapting to or changing life
13 situations of a physical, mental or emotional nature;
14 "appraisal" shall not be construed to permit the performance of
15 any act that [~~counselors~~] a counselor or [~~therapists are~~] a
16 therapist is not educated, trained and licensed to perform;

17 ~~[E.]~~ C. "appropriate clinical supervision" means as
18 defined by rule, supervision [~~as defined by rule~~] provided by a
19 licensed:

20 (1) professional clinical mental health
21 counselor; [~~licensed professional mental health counselor,~~
22 ~~licensed~~]

23 (2) marriage and family therapist;
24 [~~licensed~~]

25 (3) professional art therapist;

1 [~~licensed~~]

2 (4) psychiatrist; [~~licensed~~]

3 (5) clinical psychologist; [~~licensed~~]

4 (6) clinical nurse specialist in
 5 psychiatry;

6 (7) independent social worker with two
 7 years of mental health and supervised clinical experience; or

8 (8) alcohol and drug abuse counselor.

9 [~~with~~] A licenced alcohol and drug abuse counselor must have
 10 completed three years of alcohol and drug abuse experience
 11 [~~acquired after licensure, clinical nurse specialist in~~
 12 ~~psychiatry or licensed independent social worker with two years~~
 13 ~~of mental health and supervised clinical experience] prior to
 14 providing supervision;~~

15 D. "appropriate clinical supervisor for substance
 16 abuse associate" means a person who has education and
 17 experience specific to the career track of the associate and
 18 has training in transmitting knowledge, skills and attitudes
 19 through a relational process that includes direct oversight of
 20 the clinical work;

21 [~~F. "appropriate]~~ E. "approved clinical
 22 [~~supervision]~~ supervisor" means [~~supervision provided to~~
 23 ~~licensed mental health counselors or therapists by]~~ a person
 24 who is a licensed professional clinical mental health
 25 counselor, licensed marriage and family therapist, licensed

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1 professional art therapist, licensed psychiatrist, licensed
2 clinical psychologist, clinical nurse specialist in psychiatry
3 or licensed independent social worker and provides supervision
4 to a licensed mental health counselor or therapist;

5 F. "art therapy" means the rendering of art therapy
6 principles whereby communication is facilitated through
7 therapeutic counseling and art media. This involves the
8 application of the principles of human development and
9 psychological theories, which are implemented in the full
10 spectrum of models of assessment and treatment, including
11 psychodynamics and cognitive, interpersonal and other
12 therapeutic means to individuals, couples, families, groups and
13 communities for the promotion of optimal mental health;

14 G. "board" means the counseling and therapy
15 practice board;

16 H. "client contact hours" means the face-to-face
17 time spent with a client to appraise, assess, evaluate,
18 diagnose, treat psychopathology and provide counseling
19 services;

20 I. "clinical counseling" means the rendering of
21 counseling services involving the application of principles of
22 psychotherapy, human development, learning theory, diagnosis,
23 treatment and the etiology of mental illness and dysfunctional
24 behavior to individuals, couples, families or groups for the
25 purpose of assessing and treating psychopathology and promoting

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1 optimal mental health;

2 J. [~~"consulting" and~~] "consultation" means the
 3 voluntary, nonsupervisory relationship between professionals or
 4 other pertinent persons, in application of scientific
 5 counseling, guidance and human development principles and
 6 procedures to provide assistance in understanding and resolving
 7 a current or potential problem that the consultee may have in
 8 relation to a third party, be it an individual, group, family
 9 or organization;

10 K. "counselor training and education" means a
 11 process that prepares counselors and therapists in both
 12 didactic and clinical aspects of counseling;

13 L. "course" means an integrated, organized course
 14 of study, which encompasses a minimum of one school semester or
 15 equivalent hours;

16 M. "counseling" means the application of scientific
 17 principles and procedures in therapeutic counseling, guidance
 18 and human development to provide assistance in understanding
 19 and solving a mental, emotional, physical, social, moral,
 20 educational, spiritual or career development and adjustment
 21 problem that a client may have;

22 N. "counseling-related field" as defined by rule,
 23 means [~~to include those fields in which training includes~~
 24 ~~coursework in the diagnosis and treatment of mental disorders]~~
 25 a degree in guidance counseling, mental health-community

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1 counseling or agency counseling; psychology, clinical
2 psychology, counseling psychology; human and family studies;
3 art therapy; and art education with [~~appropriate clinical~~
4 ~~background to meet the clinical core curriculum;~~

5 ~~O. "counseling and therapy practice" means the~~
6 ~~licensed or registered practice of professional art therapy,~~
7 ~~professional clinical mental health counseling, professional~~
8 ~~mental health counseling, independent mental health counseling,~~
9 ~~marriage and family therapy, alcohol abuse counseling, drug~~
10 ~~abuse counseling and alcohol and drug abuse counseling;~~

11 ~~P. "counselor and therapist practitioner" means a~~
12 ~~professional art therapist, professional clinical mental health~~
13 ~~counselor, professional mental health counselor, licensed~~
14 ~~mental health counselor, marriage and family therapist,~~
15 ~~registered mental health counselor, registered independent~~
16 ~~mental health counselor, licensed substance abuse trainee,~~
17 ~~alcohol abuse counselor, drug abuse counselor and alcohol and~~
18 ~~drug abuse counselor] an emphasis in art therapy;~~

19 ~~O. "defined by rule" means rules and regulations~~
20 ~~published by the board to establish criteria, standards and~~
21 ~~procedures relevant to application, licensing, administration~~
22 ~~and enforcement of the Counseling and Therapy Practice Act;~~

23 ~~[Q.] P. "department" means the regulation and~~
24 ~~licensing department or the division of the department~~
25 ~~designated to administer the counseling and therapy practice~~

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1 board;

2 [R.] Q. "diagnosis and treatment planning" means
 3 assessing, analyzing and providing diagnostic descriptions of
 4 mental, emotional or behavioral conditions; exploring possible
 5 solutions; and developing and implementing a treatment plan for
 6 mental, emotional and psychosocial adjustment or development.
 7 "Diagnosis and treatment planning" shall not be construed to
 8 permit the performance of any act that counselors or therapists
 9 are not educated, trained and licensed to perform;

10 [~~S.~~ "drug abuse counselor" means a person who
 11 engages in the practice of drug abuse counseling;

12 [F.] R. "evaluation" means the act of making
 13 informed decisions based on the use and analysis of pertinent
 14 data;

15 [U.] S. "internship" means a distinctly defined,
 16 pre-graduate, supervised [capstone] clinical experience in
 17 which the student refines, [and] enhances [~~basic counseling or~~
 18 ~~student development~~] and integrates professional knowledge [and
 19 ~~skills; integrates and authenticates professional knowledge~~
 20 and] with basic counselor or therapist skills appropriate to
 21 the student's program and preparation for postgraduate
 22 professional placement;

23 [~~V.~~ "licensed mental health counselor" means a
 24 person who is licensed by the board and is authorized by the
 25 board to engage in the practice of mental health counseling

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1 ~~under appropriate supervision;~~

2 ~~W.]~~ T. "licensure" means the process by which a
3 state agency or government grants permission to an individual
4 to engage in a given profession and to use the designated title
5 of that profession after the applicant has attained the minimal
6 degree of competency necessary to ensure that the public
7 health, safety and welfare are reasonably well protected;

8 ~~[X.]~~ U. "marriage and family therapy" means the
9 assessment, diagnosis and treatment of nervous and mental
10 disorders, whether cognitive, affective or behavioral, within
11 the context of marriage and family systems;

12 ~~[Y. "marriage and family therapist" means a person~~
13 ~~who is licensed for independent practice of marriage and family~~
14 ~~therapy without supervision;~~

15 ~~Z.]~~ V. "mental disorder" means any of several
16 conditions or disorders that meet the diagnostic criteria
17 contained in the diagnostic and statistical manual of the
18 American psychiatric association or the world health
19 organization's international classification of [~~diseases~~
20 ~~manual~~] mental disorders;

21 ~~[AA. "peer counselor" means a non-licensed service~~
22 ~~provider;~~

23 ~~BB. "practice of alcohol or drug abuse counseling"~~
24 ~~means the licensed practice of counseling services, as defined~~
25 ~~by rule of the board, to individuals, couples, families or~~

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1 ~~groups. The services may include screening, assessment,~~
 2 ~~consultation, development of treatment plans, case management,~~
 3 ~~counseling, referral, appraisal, crisis intervention,~~
 4 ~~education, reporting and recordkeeping;~~

5 ~~CC. "practice of art therapy" means the licensed~~
 6 ~~practice of counseling services to individuals, families or~~
 7 ~~groups of services that use art media as a means of expression~~
 8 ~~and communication to promote perceptive, intuitive, affective~~
 9 ~~and expressive experiences that alleviate distress, reduce~~
 10 ~~physical, emotional, behavioral and social impairment and lead~~
 11 ~~to growth or reintegration of one's personality. Art therapy~~
 12 ~~services include diagnostic evaluation, development and~~
 13 ~~implementation of patient treatment plans, goals and~~
 14 ~~objectives, case management services and therapeutic treatment~~
 15 ~~as defined by rule of the board;~~

16 ~~DD. "practice of marriage and family therapy" means~~
 17 ~~the licensed practice of marriage and family therapy services~~
 18 ~~delivered to individuals, couples and families treated singly~~
 19 ~~or in groups, for a cognitive behavioral, emotional or~~
 20 ~~relationally disruptive issue or a diagnosed mental or physical~~
 21 ~~disorder in at least one member of the couple or family being~~
 22 ~~treated. The "practice of marriage and family therapy"~~
 23 ~~involves the professional application of psychotherapeutic,~~
 24 ~~human development and family systems theories and techniques in~~
 25 ~~a therapeutic relationship to bring about change, and includes~~

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1 ~~the services of diagnostic evaluation, development and~~
2 ~~implementation of patient treatment plans, goals and~~
3 ~~objectives, case management services, therapeutic treatment,~~
4 ~~research, appraisal, consulting and referral as defined by rule~~
5 ~~of the board;~~

6 ~~EE. "practice of professional clinical mental~~
7 ~~health counseling" means the licensed practice of mental health~~
8 ~~clinical counseling to individuals, couples, families or groups~~
9 ~~and the diagnosis and treatment of mental and emotional~~
10 ~~disorders as defined by the diagnostic and statistical manual~~
11 ~~of mental disorders of the world health organization.~~

12 ~~"Practice of professional clinical mental health counseling"~~
13 ~~includes diagnostic evaluation, development and implementation~~
14 ~~of patient treatment plans, goals and objectives, case~~
15 ~~management services, therapeutic treatment, research and~~
16 ~~clinical mental health appraisal, consulting, counseling and~~
17 ~~referral as defined by rule of the board;~~

18 ~~FF. "practice of professional mental health~~
19 ~~counseling" means the licensed practice of a therapeutic, non-~~
20 ~~clinical counseling service that integrates a wellness and~~
21 ~~multicultural model of human behavior involving certain methods~~
22 ~~and techniques of appraisal, including consulting, counseling~~
23 ~~and referral as defined by rule of the board;~~

24 ~~GG. "practice of registered mental health~~
25 ~~counseling" or "practice of licensed mental health counseling"~~

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1 ~~means the registered or licensed practice, under appropriate~~
 2 ~~supervision, of a therapeutic counseling service that~~
 3 ~~integrates a wellness and multicultural model of human behavior~~
 4 ~~involving certain methods and techniques of appraisal,~~
 5 ~~including consulting, counseling and referral as defined by~~
 6 ~~rule of the board;~~

7 ~~III. "practice of registered independent mental~~
 8 ~~health counseling" means the registered independent practice of~~
 9 ~~a therapeutic counseling service that integrates a wellness and~~
 10 ~~multicultural model of human behavior involving certain methods~~
 11 ~~and techniques of appraisal, including consulting, counseling~~
 12 ~~and referral as defined by rule of the board;~~

13 ~~II.] W.~~ "practicum" means a distinctly defined,
 14 supervised clinical experience in which the student develops
 15 basic ~~[counseling]~~ counselor or therapist skills and integrates
 16 professional knowledge. Practicum is completed prior to or
 17 concurrent with an internship;

18 ~~[JJ.] X.~~ "program" means a structured sequence of
 19 curricular and clinical experiences housed within an academic
 20 unit;

21 ~~[KK. "professional art therapist" means a licensed~~
 22 ~~person who engages in the practice of art therapy without~~
 23 ~~supervision;~~

24 ~~LL. "professional clinical mental health counselor"~~
 25 ~~means a licensed person who engages in the independent practice~~

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1 of professional clinical mental health counseling without
2 supervision;

3 ~~MM. "professional mental health counselor" means a~~
4 ~~licensed person who engages in the practice of professional~~
5 ~~mental health counseling without supervision; however,~~
6 ~~professional mental health counselors may diagnose and treat~~
7 ~~under appropriate supervision;~~

8 ~~NN.]~~ Y. "referral" means evaluating and identifying
9 the needs of a client to determine the advisability of
10 referrals to other specialists, advising the ~~[counselee]~~ client
11 of such ~~[judgements]~~ judgments and communicating as requested
12 or deemed appropriate to such referral sources;

13 ~~[OO.]~~ Z. "research" means a systematic effort to
14 collect, analyze and interpret quantitative or qualitative data
15 that describe how social characteristics, behavior, emotions,
16 cognition, disabilities, mental disorders and interpersonal
17 transactions among individuals, couples, families and
18 organizations interact;

19 ~~[PP. "registered independent mental health~~
20 ~~counselor" means a person who is registered with the board and~~
21 ~~is authorized by the board to engage in the practice of mental~~
22 ~~health counseling without supervision;~~

23 ~~QQ.]~~ AA. "standard" means a minimal criterion that
24 must be met; and

25 ~~[RR. "substance abuse counselor" means a person who~~

1 ~~is licensed to practice alcohol and drug abuse counseling;~~

2 ~~SS. "substance abuse trainee" means a person who is~~
 3 ~~licensed to practice under appropriate supervision defined by~~
 4 ~~rule; and~~

5 ~~TT. "supervision" means a tutorial and mentoring~~
 6 ~~form of instruction in which a supervisor monitors the~~
 7 ~~student's activities in practicum and internship, or licensees~~
 8 ~~in other clinical situations and facilitates the learning and~~
 9 ~~skill development experiences associated with practicum,~~
 10 ~~internship or other clinical situations. The supervisor~~
 11 ~~monitors and evaluates the clinical work of the student or~~
 12 ~~licensee while monitoring the quality of services offered to~~
 13 ~~clients.]~~

14 BB. "substance abuse-related fields" means a degree
 15 in guidance counseling, mental health-community counseling,
 16 agency counseling, psychology, clinical psychology, counseling
 17 psychology, human and family studies, social work, art therapy
 18 and art education with appropriate clinical background and two
 19 hundred seventy-six clock hours in education or training in
 20 alcohol and drug abuse counseling."

21 Section 2. Section 61-9A-4 NMSA 1978 (being Laws 1993,
 22 Chapter 49, Section 4, as amended) is amended to read:

23 "61-9A-4. LICENSE OR REGISTRATION REQUIRED.--

24 A. Unless licensed or registered to practice under
 25 the Counseling and Therapy Practice Act, no person shall engage

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1 in:

2 (1) the practice of professional mental health
3 counseling;

4 (2) the practice of professional clinical
5 mental health counseling;

6 (3) marriage and family therapy;

7 (4) professional art therapy;

8 (5) counseling as a licensed mental health
9 counselor;

10 (6) counseling as a [~~registered independent~~
11 ~~mental health counselor~~] licensed associate marriage and family
12 therapist; or

13 (7) counseling as a registered independent
14 mental health counselor.

15 B. Unless licensed to practice under the Counseling
16 and Therapy Practice Act, no person shall engage in:

17 (1) the practice of alcohol and drug abuse
18 counseling;

19 (2) the practice of alcohol abuse counseling;

20 (3) the practice of drug abuse counseling; or

21 (4) substance abuse counseling as a substance
22 abuse [~~trainee~~] associate."

23 Section 3. Section 61-9A-5 NMSA 1978 (being Laws 1993,
24 Chapter 49, Section 5, as amended) is amended to read:

25 "61-9A-5. [DESCRIPTION] SCOPE OF [PRACTICING]

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1 PRACTICES.--

2 A. For the purpose of the Counseling and Therapy
 3 Practice Act, a person is practicing as a professional mental
 4 health counselor, professional clinical mental health
 5 counselor, marriage and family therapist, professional art
 6 therapist, registered independent mental health counselor,
 7 registered mental health counselor, licensed mental health
 8 counselor, licensed associate marriage and family therapist,
 9 alcohol and drug abuse counselor, alcohol abuse counselor, drug
 10 abuse counselor or substance abuse [~~trainee~~] associate if he
 11 advertises, offers himself to practice, is employed in a
 12 position described as professional mental health counselor,
 13 professional clinical mental health counselor, marriage and
 14 family therapist, professional art therapist, registered
 15 independent mental health counselor, [~~registered mental health~~
 16 ~~counselor~~] alcohol and drug abuse counselor, alcohol abuse
 17 counselor, drug abuse counselor or substance abuse counselor
 18 [~~trainee~~] associate, or holds out to the public or represents
 19 in any manner that he is licensed or registered to practice as
 20 a counselor or therapist enumerated in this section in this
 21 state.

22 B. "Practice of professional clinical mental health
 23 counseling [~~professional art therapist or marriage and family~~
 24 ~~therapist~~]" means the application of mental health,
 25 psychotherapeutic and human development principles through a

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1 therapeutic relationship to:

2 (1) achieve the mental, emotional, physical,
3 social, moral, educational, spiritual or career-related
4 development and adjustment of the client throughout the
5 client's life;

6 (2) diagnose, evaluate, prevent and treat
7 mental, emotional or behavioral disorders and associated
8 distresses that interfere with mental health;

9 (3) conduct appraisal, assessments and
10 evaluations to establish treatment goals and objectives; and

11 (4) plan, implement and evaluate treatment
12 plans using counseling treatment interventions and strategies.

13 C. "Practice of professional art therapy" means the
14 licensed practice of counseling or therapy services to
15 individuals, families or groups, of services that use art media
16 as a means of expression and communication to:

17 (1) achieve the mental, emotional, physical,
18 social, moral, educational, spiritual or career-related
19 development and adjustment of the client throughout the
20 client's life;

21 (2) diagnose, evaluate, prevent and treat
22 mental, emotional or behavioral disorders and associate
23 distresses that interfere with mental health;

24 (3) conduct appraisal, assessments and
25 evaluations to establish treatment goals and objectives; and

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1 (4) plan, implement and evaluate treatment
 2 plans using counseling or therapy treatment interventions and
 3 strategies.

4 D. "Practice of marriage and family therapy" means
 5 the licensed practice of marriage and family therapy services
 6 delivered to persons, couples and families treated singly or in
 7 groups within the context of family systems to:

8 (1) achieve the mental, emotional, physical,
 9 social, moral, educational, spiritual or career-related
 10 development and adjustment of the client throughout the
 11 client's life;

12 (2) diagnose, evaluate, prevent and treat
 13 mental, emotional or behavioral disorders and associate
 14 distresses that interfere with mental health;

15 (3) conduct appraisal, assessments and
 16 evaluations to establish treatment goals and objectives; and

17 (4) plan, implement and evaluate treatment
 18 plans using marriage and family therapy treatment interventions
 19 and strategies.

20 [~~G.~~] E. "Practice of licensed mental health
 21 counselor, licensed mental health associate, registered
 22 independent counselor and [~~registered mental health counselor~~]
 23 licensed associate marriage and family therapist under an
 24 appropriate [~~supervision~~] clinical supervisor" consists of
 25 rendering counseling services, which may include evaluation,

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1 assessment, consultation, diagnosing [~~under supervision~~],
2 development of treatment plans, case management counseling
3 referral, appraisal, crisis intervention education, reporting
4 and record keeping to individuals, couples, families or groups
5 as defined by [~~regulation~~] rule.

6 ~~[D. "Practice of licensed professional mental~~
7 ~~health counselor" consists of rendering counseling services,~~
8 ~~which may include evaluation, assessment, diagnoses,~~
9 ~~consultation, development of treatment plans, case management,~~
10 ~~counseling, referral, appraisal, crisis intervention education,~~
11 ~~reporting and record keeping to individuals, couples, families~~
12 ~~or groups as defined by regulation.~~

13 ~~E.]~~ F. The scope of [~~practice~~] practices of alcohol
14 [~~or~~] and drug abuse counseling, or both, consists of rendering
15 treatment and intervention services specific to alcohol and
16 other drug use disorders to [~~individuals~~] persons, couples,
17 families or groups. The services may include evaluation,
18 assessment, diagnosis of chemical abuse and chemical dependency
19 disorders only, consultation, development of treatment plans,
20 case management-counseling, referral, appraisal, crisis
21 intervention, education, reporting and record keeping. Nothing
22 in this scope of practice shall be construed as preventing
23 licensed [~~alcohol abuse counselors, drug abuse counselors and~~]
24 alcohol and drug abuse counselors from providing screening and
25 referrals for mental health disorders. However, assessment,

1 treatment and diagnosis for such disorders is not within the
 2 scope of practice of this license. The practice of these
 3 activities will be limited to the individual's level of
 4 training, education and supervised experience.

5 ~~[F.]~~ G. The scope of practice of a substance abuse
 6 ~~[trainee]~~ associate under the supervision by an appropriate
 7 supervisor is limited to supervised work in a public or private
 8 institution. The ~~[trainee]~~ associate may be involved in taking
 9 social histories or conducting home studies. The ~~[trainee]~~
 10 associate utilizes the basic problem-solving process of
 11 gathering information, assessing that information at a
 12 beginning professional level and developing an intervention
 13 plan. The ~~[trainee]~~ associate may implement the plan and
 14 conduct follow-ups pertaining specifically to alcohol and drug
 15 abuse counseling. The ~~[trainee]~~ associate may provide client
 16 education and assist a licensed counselor-therapist with group
 17 or individual counseling sessions. A substance abuse associate
 18 shall not practice independently as a private practitioner."

19 Section 4. Section 61-9A-6 NMSA 1978 (being Laws 1993,
 20 Chapter 49, Section 6, as amended by Laws 2003, Chapter 422,
 21 Section 4 and by Laws 2003, Chapter 423, Section 1) is amended
 22 to read:

23 "61-9A-6. EXEMPTIONS.--

24 A. Nothing in the Counseling and Therapy Practice
 25 Act shall be construed to prevent:

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1 (1) a person who is licensed, certified or
2 regulated under the laws of this state from engaging in
3 activities consistent with the standards and ethics of ~~his~~
4 the person's profession or practice; or

5 (2) an alternative, metaphysical or holistic
6 practitioner from engaging in nonclinical activities consistent
7 with the standards and codes of ethics of that practice.

8 B. Specifically exempted from the Counseling and
9 Therapy Practice Act are:

10 (1) elementary and secondary school counselors
11 acting on behalf of their employer who are otherwise regulated;

12 (2) peer counselors of domestic violence or
13 independent-living peer counselors working under appropriate
14 supervision in a nonprofit corporation, association or similar
15 entity;

16 (3) duly ordained, commissioned or licensed
17 ministers of a church ~~[or lay pastoral care assistants]~~
18 providing pastoral services on behalf of a church;

19 (4) a person who is enrolled in an internship
20 or practicum under appropriate supervision and is in the
21 internship or practicum for the sole purpose of acquiring an
22 advanced degree in mental health counseling, marriage and
23 family therapy or art therapy or a degree in substance abuse
24 counseling;

25 (5) practitioners of Native American healing

1 arts; and

2 (6) individuals who serve as peer counselors
 3 for a twelve-step recovery program or a similar self-help
 4 chemical dependency recovery program that:

5 (a) does not offer chemical dependency
 6 treatment;

7 (b) does not charge program participants
 8 a fee; and

9 (c) allows program participants to
 10 maintain anonymity.

11 C. Nothing in this section shall be construed to
 12 allow an individual [~~who has lost his/her license or has had~~
 13 ~~his/her license suspended from~~] whose license has been lost or
 14 suspended by the New Mexico counseling and therapy practice
 15 board or the New Mexico state board of psychology examiners to
 16 avoid such loss or suspension by utilizing this exemption."

17 Section 5. Section 61-9A-8 NMSA 1978 (being Laws 1993,
 18 Chapter 49, Section 8, as amended) is amended to read:

19 "61-9A-8. DEPARTMENT DUTIES.--The department, with the
 20 consultation of the board, shall:

21 A. process applications; [~~and~~]

22 B. conduct and review the required examinations;

23 [~~B.~~] C. issue licenses and certificates of
 24 registration to applicants who meet the requirements of the
 25 Counseling and Therapy Practice Act;

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1 ~~[G.]~~ D. administer, coordinate and enforce the
2 provisions of the Counseling and Therapy Practice Act and
3 investigate persons engaging in practices that may violate the
4 provisions of that act;

5 ~~[D.]~~ E. approve the selection of primary staff
6 assigned to the board;

7 ~~[E.]~~ F. maintain records, including financial
8 records; and

9 ~~[F.]~~ G. maintain a current register of licensees
10 and registrants as a matter of public record."

11 Section 6. A new section of the Counseling and Therapy
12 Practice Act is enacted to read:

13 "[NEW MATERIAL] ACTIONS OF BOARD--IMMUNITY--CERTAIN
14 RECORDS NOT PUBLIC RECORDS.--

15 A. No member of the board or person working on
16 behalf of the board shall be civilly liable or subject to civil
17 damages for any good-faith action undertaken or performed
18 within the proper functions of the board.

19 B. All written and oral communication made by a
20 person to the board relating to actual or potential
21 disciplinary action shall be confidential communication and are
22 not public records for the purposes of the Public Records Act.
23 All data, communication and information acquired by the board
24 relating to actual or potential disciplinary action shall not
25 be disclosed except:

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1 (1) to the extent necessary to carry out the
2 board's functions;

3 (2) as needed for judicial review of the
4 board's actions; or

5 (3) pursuant to a court order issued by a
6 court of competent jurisdiction.

7 C. Notwithstanding the provisions of Subsection B
8 of this section, at the conclusion of an actual disciplinary
9 action by the board, all data, communication and information
10 acquired by the board relating to an actual disciplinary action
11 taken against a person subject to the provisions of the
12 Counseling and Therapy Practice Act shall be public records,
13 pursuant to the provisions of the Public Records Act."

14 Section 7. Section 61-9A-10 NMSA 1978 (being Laws 1993,
15 Chapter 49, Section 10, as amended) is amended to read:

16 "61-9A-10. PROFESSIONAL MENTAL HEALTH COUNSELOR--
17 REQUIREMENTS FOR LICENSURE.--Effective July 1, 2007, the board
18 will no longer license professional mental health counselors.
19 Prior to the effective date, the board shall issue a license as
20 a professional mental health counselor to any person who files
21 a completed application accompanied by the required fees and
22 who submits satisfactory evidence that the applicant:

23 A. has reached the age of twenty-one;

24 B. holds a master's or doctoral degree in
25 counseling or a counseling-related field [~~as defined by rule~~]

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1 from an accredited institution and has a total of no less than
2 forty-eight graduate semester hours or seventy-two quarter
3 hours in the mental health clinical core curriculum;

4 C. demonstrates professional competency by passing
5 the required examinations prescribed by the board;

6 D. has completed one thousand client contact hours
7 of postgraduate professional counseling experience under
8 appropriate clinical supervision consisting of at least one
9 hundred supervision hours; and

10 E. is of good moral character with conduct
11 consistent with the code of ethics."

12 Section 8. Section 61-9A-11 NMSA 1978 (being Laws 1993,
13 Chapter 49, Section 11, as amended) is amended to read:

14 "61-9A-11. PROFESSIONAL CLINICAL MENTAL HEALTH
15 COUNSELOR--REQUIREMENTS FOR LICENSURE.--The board shall issue a
16 license as a professional clinical mental health counselor to
17 any person who files a completed application accompanied by the
18 required fees and who submits satisfactory evidence that the
19 applicant:

20 A. has reached the age of twenty-one;

21 B. holds a master's or doctoral degree in a
22 counseling or counseling-related field, as defined by rule,
23 from [~~a regionally~~] an accredited institution. [~~Effective July~~
24 ~~1, 2003~~] The applicant must have a master's degree and a total
25 of no less than forty-eight graduate semester hours or seventy-

.155465.1

1 two quarter hours in the mental health clinical core
 2 curriculum;

3 C. demonstrates professional competency by passing
 4 the required examination as prescribed by the board;

5 D. has a minimum of two years of professional
 6 clinical counseling experience, including at least three
 7 thousand clinical contact hours and at least one hundred hours
 8 of face-to-face supervision. One thousand client clinical
 9 contact hours may be submitted from the applicant's internship
 10 or practicum; and

11 E. is of good moral character with conduct
 12 consistent with the code of ethics."

13 Section 9. Section 61-9A-11.1 NMSA 1978 (being Laws 1999,
 14 Chapter 161, Section 10, as amended) is amended to read:

15 "61-9A-11.1. PROFESSIONAL CLINICAL MENTAL HEALTH
 16 COUNSELOR--REQUIREMENTS FOR LICENSURE.--The board shall issue a
 17 license as a professional clinical mental health counselor to
 18 any person who files a completed application accompanied by the
 19 required fees within the July 1, [2000] 2005 through July 1,
 20 [2004] 2007 period and who submits satisfactory evidence that
 21 the applicant:

22 A. has reached the age of twenty-one;

23 B. holds a [~~grandfathered~~] current professional
 24 mental health counselor license [~~that was applied for prior to~~
 25 ~~July 1, 1994~~];

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1 C. holds a master's or doctoral degree [~~and a total~~
2 ~~of forty-eight graduate semester hours or more or seventy-two~~
3 ~~quarter hours~~] from [~~a regionally~~] an accredited institution;

4 D. demonstrates professional competency by
5 satisfactorily passing the required examinations as prescribed
6 by the board [~~or documentation of ten thousand hours of client~~
7 ~~contact experience, including at least three hundred hours of~~
8 ~~face-to-face supervision of which at least one hundred hours~~
9 ~~are individual~~];

10 E. has a minimum of [~~five~~] three thousand hours of
11 client contact experience, including at least [~~two~~] one hundred
12 hours of face-to-face supervision [~~of which one hundred hours~~
13 ~~are individual~~] or a minimum of ten thousand hours of client
14 contact experience, including at least two hundred hours of
15 face-to-face supervision; and

16 F. is of good moral character with conduct
17 consistent with the code of ethics."

18 Section 10. Section 61-9A-12 NMSA 1978 (being Laws 1993,
19 Chapter 49, Section 12, as amended) is amended to read:

20 "61-9A-12. MARRIAGE AND FAMILY THERAPIST--REQUIREMENTS
21 FOR LICENSURE.--The board shall issue a license as a marriage
22 and family therapist to a person who files a completed
23 application accompanied by the required fees and who submits
24 satisfactory evidence that the applicant:

25 A. has reached the age of twenty-one;

1 B. holds a master's or doctoral degree with a focus
 2 in marriage and family therapy and meets the requirements of
 3 the marriage and family therapy core curriculum, as defined by
 4 rule, in marriage and family therapy from an accredited
 5 institution;

6 C. demonstrates professional competency by passing
 7 the examinations as prescribed by the board;

8 D. has a minimum of two years of postgraduate
 9 marriage and family therapy experience consisting of one
 10 thousand client contact hours and two hundred hours of
 11 appropriate clinical supervision, of which one hundred hours of
 12 such supervision was on an individual basis; and

13 E. is of good moral character with conduct
 14 consistent with the code of ethics."

15 Section 11. Section 61-9A-13 NMSA 1978 (being Laws 1993,
 16 Chapter 49, Section 13, as amended) is amended to read:

17 "61-9A-13. PROFESSIONAL ART THERAPIST--REQUIREMENTS FOR
 18 LICENSURE.--

19 A. The board shall issue a license as a
 20 professional art therapist to any person who files a completed
 21 application accompanied by the required fees and who submits
 22 satisfactory evidence that the applicant:

23 ~~[A.]~~ (1) has reached the age of twenty-one;

24 ~~[B.]~~ (2) demonstrates professional competency
 25 by passing an examination as prescribed by the board;

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1 [~~6.~~] (3) holds ~~[either]~~ one of the following:

2 [~~(1)~~] (a) a master's or doctoral degree
3 from ~~[a regionally]~~ an accredited institution or nationally
4 approved art therapy program in art therapy that includes seven
5 hundred hours of supervised internship experience from an
6 accredited institution;

7 [~~(2)~~] (b) a master's degree in
8 counseling or a counseling-related field, as defined by rule,
9 has a minimum of twenty-four semester hours of sequential
10 course work in the history, theory and practice of art therapy
11 and has completed seven hundred hours of supervised internship
12 experience from an accredited institution. The board may
13 approve on a case-by-case basis applicants who have a master's
14 degree or a doctoral degree from non-accredited institutions;
15 or

16 [~~(3)~~] (c) a master's degree in
17 counseling or a counseling-related field, as defined by rule,
18 and completed a minimum of twenty-four semester hours in an art
19 therapy certificated program from ~~[a regionally]~~ an accredited
20 institution or ~~[an]~~ nationally approved American art therapy
21 association program;

22 [~~D.~~] (4) has completed one thousand client
23 contact hours of postgraduate face-to-face experience under
24 appropriate supervision ~~[beyond the requirements in [Paragraphs~~
25 ~~(1), (2) and (3) of Subsection C of this section]~~ Subparagraphs

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1 (a), (b) and (c) of Paragraph (3) of this subsection.

2 Supervision shall be under a New Mexico licensed professional
 3 art therapist or certified board art therapist for at least
 4 fifty percent of the working hours; and

5 ~~[E.]~~ (5) is of good moral character with
 6 conduct consistent with the code of ethics.

7 B. Effective July 1, 2005 applicants must meet the
 8 art therapy core curriculum, as defined by rule."

9 Section 12. Section 61-9A-14 NMSA 1978 (being Laws 1993,
 10 Chapter 49, Section 14, as amended) is amended to read:

11 "61-9A-14. REQUIREMENTS FOR LICENSED MENTAL HEALTH
 12 COUNSELOR OR LICENCED ASSOCIATE MARRIAGE AND FAMILY
 13 THERAPIST.--The board shall issue a license as a mental health
 14 [~~counselor~~] associate to any person who files a completed
 15 application accompanied by the required fees and who submits
 16 satisfactory evidence that the applicant:

17 A. has reached the age of twenty-one;

18 B. holds either a master's or doctoral degree from
 19 an accredited institution in a counseling or counseling-related
 20 field, as defined by rule and a total of no less than forty-
 21 eight graduate semester hours or seventy-two quarter hours in
 22 the core curriculum;

23 C. has arranged for an appropriate clinical
 24 supervision plan and a postgraduate experience plan, as defined
 25 by rule, to meet the licensing requirements for a:

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- 1 (1) marriage and family therapist;
2 (2) professional art therapist;
3 (3) professional mental health counselor; or
4 (4) professional clinical mental health
5 counselor;

6 D. demonstrates professional competence by passing
7 an examination within the applicant's discipline as prescribed
8 by the board; and

9 E. is of good moral character with conduct
10 consistent with the code of ethics."

11 Section 13. Section 61-9A-14.1 NMSA 1978 (being Laws
12 1996, Chapter 61, Section 8, as amended) is amended to read:

13 "61-9A-14.1. SUBSTANCE ABUSE ~~[TRAINEE]~~ ASSOCIATE--
14 REQUIREMENTS FOR LICENSURE.--

15 ~~[A. The board shall license as a substance abuse~~
16 ~~trainee any person who files a completed application~~
17 ~~accompanied by the required fees and who submits satisfactory~~
18 ~~evidence that the applicant:~~

19 ~~(1) is of good moral character with conduct~~
20 ~~consistent with the code of ethics;~~

21 ~~(2) has reached the age of twenty-one;~~

22 ~~(3) possesses a high school diploma or its~~
23 ~~equivalent;~~

24 ~~(4) has arranged for an appropriate~~
25 ~~supervision plan, as defined by rule, to meet the requirements~~

.155465.1

1 ~~for licensure as a substance abuse counselor;~~

2 ~~(5) has a total of ninety clock hours of~~
 3 ~~education and training in the fields of alcohol and drug abuse;~~
 4 ~~and~~

5 ~~(6) provides three letters of recommendation~~
 6 ~~as established by rule.~~

7 ~~B.]~~ A. Effective July 1, 2005, the board shall
 8 license as a substance abuse ~~[trainee]~~ associate any person who
 9 files a completed application accompanied by the required fees
 10 and who submits satisfactory evidence that the applicant as
 11 defined by rule:

12 (1) is of good moral character, with conduct
 13 consistent with the code of ethics;

14 (2) has reached the age of twenty-one;

15 (3) holds an associate degree in a counseling,
 16 counseling-related field ~~[as defined by rule]~~ or substance
 17 abuse-related field from ~~[a regionally]~~ an accredited
 18 institution and has a total of ninety clock hours of education
 19 and training in the fields of alcohol and drug abuse
 20 counseling; and

21 (4) has arranged for an appropriate
 22 supervision plan, as defined by rule, to meet the requirements
 23 for licensure as a substance abuse ~~[trainee; and (5) provides]~~
 24 associate.

25 B. The applicant shall also provide two letters

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1 of recommendation [~~one letter from a current supervisor and one~~
2 ~~letter from a current employer or one letter from a~~
3 ~~professional substance abuse colleague]."~~

4 Section 14. Section 61-9A-14.2 NMSA 1978 (being Laws
5 1999, Chapter 161, Section 15, as amended) is amended to read:

6 "61-9A-14.2. ALCOHOL AND DRUG ABUSE COUNSELOR--
7 REQUIREMENTS FOR LICENSURE.--

8 [~~A. The board shall license as an alcohol and drug~~
9 ~~abuse counselor a person who files a completed application~~
10 ~~accompanied by the required fees and who submits satisfactory~~
11 ~~evidence that the applicant:~~

12 (1) ~~is of good moral character with conduct~~
13 ~~consistent with the code of ethics;~~

14 (2) ~~has reached the age of twenty-one;~~

15 (3) ~~demonstrates professional competency by~~
16 ~~passing the required examination prescribed by the board; and~~

17 (4) ~~has one of the following combinations of~~
18 ~~education and experience:~~

19 (a) ~~an associate degree, including two~~
20 ~~hundred seventy-six clock hours of education and training with~~
21 ~~at least ninety hours in each of the fields of alcohol, drug~~
22 ~~and counseling and six hours of training in professional~~
23 ~~ethics, four years of experience in the practice of alcohol and~~
24 ~~drug abuse counseling under appropriate supervision and three~~
25 ~~hundred hours of approved practicum;~~

.155465.1

1 ~~[(2)]~~ B. has reached the age of twenty-one;

2 ~~[(3)]~~ C. demonstrates professional competency by
3 passing the required examinations prescribed by the board;

4 ~~[(4) provides]~~ D. has provided three letters of
5 recommendation: one letter from a current supervisor, one
6 letter from a current employer and one letter from a
7 professional substance abuse colleague; and

8 ~~[(5)]~~ E. has one of the following combinations of
9 education and experience:

10 (1) an associate degree in counseling, a
11 counseling-related field or a substance abuse-related field
12 from an accredited institution, and education and training that
13 includes two hundred seventy-six clock hours with ninety hours
14 in each of the fields of alcohol, drug and counseling, six
15 hours of professional ethics, three years and three thousand
16 client contract hours under appropriate supervision of
17 experience in the practice of alcohol and drug abuse counseling
18 and two hundred hours of face-to-face supervision;

19 ~~[(a)]~~ (2) a baccalaureate degree in
20 counseling, a counseling-related field or a substance abuse-
21 related field, as defined by rule, from ~~[a regionally]~~ an
22 accredited institution and education and training that includes
23 two hundred seventy-six clock hours with ninety hours in each
24 of the fields of alcohol, drug and counseling and six hours of
25 professional ethics, two years and two thousand client contact

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1 hours under appropriate supervision of experience in the
 2 practice of alcohol and drug abuse counseling and one hundred
 3 hours of face-to-face supervision; or

4 ~~[(b)]~~ (3) a master's degree in counseling,
 5 ~~[or]~~ a counseling-related field or a substance abuse-related
 6 field, as defined by rule, from ~~[a regionally]~~ an accredited
 7 institution, and education and training that includes two
 8 hundred seventy-six clock hours with ninety hours in each of
 9 the fields of alcohol, drug and counseling and six hours of
 10 professional ethics, one year and one thousand client contact
 11 hours under appropriate supervision of experience in the
 12 practice of alcohol and drug abuse counseling and fifty hours
 13 of face-to-face supervision hours."

14 Section 15. Section 61-9A-15 NMSA 1978 (being Laws 1993,
 15 Chapter 49, Section 15, as amended) is amended to read:

16 "61-9A-15. EXAMINATIONS.--

17 A. Applicants who have met the requirements for
 18 licensure shall be scheduled for the next appropriate
 19 examinations following the approval of the application. The
 20 board shall establish the board-approved examinations
 21 application deadline and the requirements for reexamination if
 22 the applicant has failed the examinations.

23 B. The examinations shall cover subjects
 24 appropriate to the scope of practice as a licensed mental
 25 health counselor, a licensed associate marriage and family

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1 therapist, a professional mental health counselor, a
2 professional clinical mental health counselor, a marriage and
3 family therapist, a professional art therapist or [~~a substance~~]
4 an alcohol and drug abuse counselor."

5 Section 16. Section 61-9A-22 NMSA 1978 (being Laws 1993,
6 Chapter 49, Section 22, as amended) is amended to read:

7 "61-9A-22. LICENSURE BY CREDENTIALS.--The board may issue
8 a license to a person who files a completed application
9 accompanied by the required fees and who submits satisfactory
10 evidence that the applicant holds a current license issued by
11 the appropriate examining board under the law of any other
12 state or territory of the United States, the District of
13 Columbia or any foreign nation and is:

14 A. a [~~national~~] nationally certified counselor as
15 determined by the national board of certified counselors; [~~or~~]

16 B. a certified clinical mental health counselor or
17 therapist as determined by the national board of certified
18 counselors; [~~or~~]

19 C. a clinical member of the American association
20 for marriage and family therapy; [~~or~~]

21 D. a registered art therapist, board certified
22 [~~(ATR-BC)~~] by the art therapy credential board; or

23 E. an alcohol and drug abuse counselor [~~and has~~
24 ~~taken and passed the required examination prescribed by the~~
25 ~~board~~] who is a national certified addiction counselor level I.

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1 Applicants who do not meet the licensure by credential
 2 must meet the current licensure requirements."

3 Section 17. Section 61-9A-23 NMSA 1978 (being Laws 1993,
 4 Chapter 49, Section 23, as amended) is amended to read:

5 "61-9A-23. LICENSE AND REGISTRATION RENEWAL.--

6 A. Each licensee or registrant shall renew his
 7 license or registration biennially by submitting a renewal
 8 application on a form provided by the board and complying with
 9 all renewal requirements. The board may establish a method to
 10 provide for staggered biennial terms. The board may authorize
 11 license renewal for one year to establish this renewal cycle
 12 and charge the proportionate license fee for that period.

13 B. If a license is not renewed by the expiration
 14 date, the licensee or registrant will be considered expired and
 15 will refrain from practicing. The licensee or registrant may
 16 renew within a [~~ninety-day~~] thirty-day grace period by
 17 submitting payment of the renewal fee, late fee and compliance
 18 with all renewal requirements. Upon receipt of payment and
 19 [~~ce~~] continuing education unit requirements, the licensee and
 20 registrant may resume practice. Failure to receive renewal
 21 notice and application for renewal of license from the board
 22 does not excuse a licensed professional counselor from the
 23 requirements for renewal.

24 C. If continuing education [~~units~~] unit
 25 requirements are not completed within the licensing period and

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1 by the expiration date, the license or [~~registrant~~]
2 registration will be considered expired and the licensee or
3 registrant will refrain from practicing.

4 D. [~~A license or registration granted by the board~~
5 ~~shall be automatically suspended if the holder fails to apply~~
6 ~~for the renewal license or registration provided for in this~~
7 ~~section within a period of ninety days after the renewal~~
8 ~~deadline; provided that any license or registration so~~
9 ~~suspended may be restored by the board upon payment of a~~
10 ~~reinstatement fee not to exceed one hundred dollars (\$100) in~~
11 ~~addition to unpaid renewal or late fees.] Failure to renew a~~
12 license or registration within [~~ninety~~] thirty days from the
13 date of [~~suspension~~] expiration as provided in this section
14 shall cause the license or registration to automatically
15 expire. Reinstatement of an expired license or registration
16 will require the licensee to reapply, submit all necessary
17 documentation and meet all current standards for licensure [~~or~~
18 ~~registration~~].

19 E. A person licensed or registered under the
20 Counseling and Therapy Practice Act who wishes to retire from
21 practice shall notify the board in writing before the
22 expiration of his current license or registration. If, within
23 a period of five years from the year of retirement, the
24 licensee or registrant wishes to resume practice, [~~he~~] the
25 licensee or registrant shall so notify the board in writing,

1 and upon giving proof of completing such continuing education
 2 as prescribed by rule of the board and the payment of a renewal
 3 license fee and reinstatement fee, his license or registration
 4 shall be restored to him in full effect."

5 Section 18. Section 61-9A-24 NMSA 1978 (being Laws 1993,
 6 Chapter 49, Section 24, as amended) is amended to read:

7 "61-9A-24. LICENSE AND REGISTRATION FEES.--Applicants for
 8 licensure or registration shall pay [~~biennial~~] fees set by the
 9 board in an amount not to exceed:

10 A. for application for initial licensure [~~or~~
 11 ~~registration~~], seventy-five dollars (\$75.00), which is not
 12 refundable;

13 B. for licensure or renewal as a professional
 14 mental health counselor or registered independent mental health
 15 counselor, three hundred dollars (\$300);

16 C. for licensure or renewal as a clinical
 17 professional mental health counselor, marriage and family
 18 therapist or professional art therapist, four hundred twenty
 19 dollars (\$420);

20 D. for registration or renewal as a registered
 21 mental health counselor, licensed mental health counselor,
 22 licensed associate marriage and family therapist or registered
 23 independent mental health counselor, two hundred forty dollars
 24 (\$240);

25 E. for all examinations, seventy-five dollars

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1 (\$75.00) or, if a national examination is used, an amount that
2 shall not exceed the national examination costs by more than
3 twenty-five percent;

4 F. for a duplicate or replacement license or
5 registration, twenty-five dollars (\$25.00);

6 G. for failure to renew a license or registration
7 within the allotted grace period, a late penalty fee not to
8 exceed one hundred dollars (\$100);

9 H. reasonable administrative fees; and

10 I. for licensure, registration or renewal as an
11 alcohol and drug abuse counselor, an alcohol abuse counselor, a
12 drug abuse counselor or a substance abuse ~~[intern]~~ associate,
13 two hundred dollars (\$200)."

14 Section 19. Section 61-9A-26 NMSA 1978 (being Laws 1993,
15 Chapter 49, Section 26, as amended) is amended to read:

16 "61-9A-26. LICENSE AND REGISTRATION--DENIAL, SUSPENSION
17 AND REVOCATION.--

18 A. In accordance with the procedures established by
19 the Uniform Licensing Act, the board may deny, suspend or
20 revoke any license or registration held or applied for under
21 the Counseling and Therapy Practice Act, or take any other
22 action provided for in the Uniform Licensing Act, upon grounds
23 that the licensee, registrant or applicant:

24 (1) is guilty of fraud, deceit or
25 misrepresentation in procuring or attempting to procure any

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1 license or registration provided for in the Counseling and
 2 Therapy Practice Act;

3 (2) is adjudicated mentally incompetent by
 4 regularly constituted authorities;

5 (3) is found guilty of a felony or misdemeanor
 6 involving moral turpitude;

7 (4) is found guilty of unprofessional or
 8 unethical conduct;

9 (5) has illicitly been using any controlled
 10 substances, as defined in the Controlled Substances Act, or
 11 using a mood-altering substance or alcoholic beverage to an
 12 extent or in a manner dangerous to himself or any other person
 13 or the public or to an extent that the use impairs his ability
 14 to perform the work of a counselor or therapist practitioner;

15 (6) has violated any provision of the
 16 Counseling and Therapy Practice Act or regulations adopted by
 17 the board;

18 (7) is grossly negligent in practice as a
 19 professional counselor or therapist practitioner;

20 (8) willfully or negligently divulges a
 21 professional confidence;

22 (9) demonstrates marked incompetence in
 23 practice as a professional counselor or therapist practitioner;

24 [~~or~~]

25 (10) has had a license or registration to

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1 practice as a counselor, therapist or other mental health
2 practitioner revoked, suspended or denied in any jurisdiction,
3 territory or possession of the United States or another country
4 for acts of the licensee or registrant similar to acts
5 described in this subsection; or

6 (11) knowingly and willfully practices beyond
7 the scope of practice, as defined by the board.

8 B. A certified copy of the record of conviction
9 shall be conclusive evidence of such conviction.

10 C. Disciplinary proceedings may be instituted by
11 the sworn complaint of any person, including members of the
12 board, and shall conform to the provisions of the Uniform
13 Licensing Act. Any party to a hearing may obtain a copy of the
14 hearing record upon payment of costs for such copy.

15 D. A person who violates any provision of the
16 Counseling and Therapy Practice Act is guilty of a misdemeanor
17 and upon conviction shall be punished as provided in Section
18 31-19-1 NMSA 1978."

19 Section 20. REPEAL.--Section 61-9A-11.2 NMSA 1978 (being
20 Laws 2003, Chapter 422, Section 11, as amended) is repealed.